

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Douglas W. McLaren

v.

Civil No. 09-cv-172-PB

Tracy Warren

**O R D E R**

Before the Court are pleadings filed by Douglas McLaren, a pretrial detainee at the Strafford County House of Corrections ("SCHC"). McLaren files this action pursuant to 42 U.S.C. § 1983, alleging violations of his Fourteenth Amendment right to adequate medical care and his right to petition the government for a redress of grievances (document nos. 1 & 6)<sup>1</sup>. Because McLaren is a prisoner filing pro se and in forma pauperis, the matter is before me for preliminary review to determine, among other things, whether or not the complaint states any claim upon which relief might be granted. See 28 U.S.C. § 1915A(a); United States District Court District of New Hampshire Local Rule ("LR")

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<sup>1</sup>McLaren initially filed a complaint on May 19, 2009 (document no. 1). On June 9, 2009, McLaren filed an amended complaint (document no. 6). These two documents will be considered, in the aggregate, to be the complaint in this matter for all purposes.

4.3(d)(2). McLaren has also filed a pleading entitled "Motion for Habeas Corpus" (document no. 11), which appears to be a demand for a jury trial in this matter.

As fully explained in the Report and Recommendation issued simultaneously with this Order, I find that McLaren has stated claims upon which relief might be granted for a denial of adequate medical care at the SCHC for delay in the treatment of his spinal condition and pain related thereto, and for the denial of adequate treatment for his skin irritation. McLaren also stated a claim upon which relief might be granted alleging that he was denied the right to petition the government for a redress of grievances based on the denial of access to his medical records to use at a grievance hearing. I therefore direct that these claims be served upon Tracy Warren, SCHC nurse and medical administrator. I further grant the "Motion for a Habeas Corpus" (document no. 11), insofar as I have construed it as a demand for a jury trial in this matter. In my Report and Recommendation, I recommended that the remaining claims alleged in the complaint be dismissed. Without further comment on the merits of the complaint, I order that the complaint be served on Defendant. As plaintiff has submitted a summons for the defendant in this

matter, the Clerk's office shall issue the summons against defendant and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summons and copies of the complaint (document no. 1 & 6), the Report and Recommendation, the Motion for a Habeas Corpus (document no. 11), and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Defendant. See Fed. R. Civ. P. 4(c)(2).

Defendant is instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

McLaren is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the Defendant by delivering or mailing the materials to her or her attorney(s), pursuant to Fed. R. Civ. P. 5(b).

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: October 5, 2009

cc: Douglas W. McLaren, pro se

JM:jba